

No. 9(1)82-6Lab/1785.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Guru Nanak Industries, Plot No. 6-7 (NH. 5), Railway Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 483/1982

between

SHRI SUGHER SINGH, WORKMAN AND THE MANAGEMENT OF M/S GURU NANAK
INDUSTRIES, PLOT NO. 6-7, N. H. 5, RAILWAY ROAD, FARIDABAD

AWARD

The Governor of Haryana referred the following dispute between the workman Shri Sugher Singh and the management of M/s Guru Nanak Industries, Plot No. 6-7, N.H. 5 Railway Road, Faridabad, by order No. ID/FD/308/82/56630, dated 23rd December, 1982, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section-10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service of Shri Sugher Singh was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties who appeared. The representative of the management made a statement that the workman had settled his dispute with the management and he was working in the respondent factory.

In view of the above, I pass my award that the matter had been mutually settled by the parties and there remained nothing for adjudication.

Dated the 8th February 1983,

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 176, dated the 22nd February, 1983

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under sector 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6Lab./1927.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Anand Synthetics Private Limited, 22, Mile Stone, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 245 of 1981

between

SHRISADANAND MISHRA, WORKMAN AND THE RESPONDENT MANAGEMENT OF
M/S ANANDSYNTHETICS PRIVATE LIMITED 22, MILE STONE, MATHURA
ROAD, FARIDABAD

Shri S. S. Gupta, for the workman.

Shri O. P. Tiwari, for the respondent.

• AWARD

This reference No. 240 of 1981 has been referred to this court by the Hon'ble Governor of Haryana, —vide his order No. ID/FD/158-81/48606, dated 25th September, 1981 under section 10(i)(c) of the I.D. Act, 1947, existing between Shri Sada Nand Mishra, workman and the respondent management of M/s. Anand Synthetics Private Limited 22, Mathura Road, Faridabad. The terms of the reference were:—

Whether the termination of services of Shri Sada Nand Mishra, was justified and in order ? If not, to what relief is he entitled ?

Notices were issued to the parties, on receiving this reference order. The parties appeared and filed their pleadings. The case of the workman according to demand notice is that he joined the service of the respondent on 14th August, 1978 as helper and was drawing a salary of Rs. 245 p. m. at the time of termination. The respondent terminated the services of the workman on 8th June, 1981 without any reason and notice. No charge-sheet was given. Action of the respondent management is illegal and against the principles of provisions of Industrial Disputes Act. So the claimant is entitled for the reinstatement with continuity of service and back wages.

The case of the respondent according to written statement is that there is no relationship of master and servant between the parties and claimant was not the employee of the respondent on the alleged date of termination. No notice of demand was served on the employer and they never refused to settle the same before the date of reference. So there is no Industrial disputes and this does not fall within the jurisdiction of the Labour Court. The claimant has filed no claim statement in this court, so the reference is bad in law and it may be answered in their favour.

On the pleadings of the parties, following issues were framed:—

1. Whether the relationship of master and servant exist between the parties ? If so to what effect ?
2. Whether the termination of services of the workman is proper justified and in order ? If not, to what relief is he entitled ?

My findings on the issues is as under.—

Issue No. 1:—

The representative of the respondent argued on this issue that the workman did not file his claim statement and his demand notice dated 20th July, 1981 was treated as claim statement. The workman produced the identity card Ex-W-1 which was valid upto 1978. The identity card was issued by the respondent when he was doing apprenticeship with them. As shown in Ex-M-1 the apprenticeship contract duly registered with the Industrial Training Department, Haryana. The counter file of the leave application filed by the claimant is not genuine one and the workman has not able to establish that he was issued the same, which was denied by the respondent witness Shri Ram Bir Singh as M.W.-1. The same is not signed by Shri K.B. Kumar, who was the personal officer. The workman has produced the acknowledgement receipt which is also not genuine and which did not bear the signature of any employee of the respondent. The workman has tried to make the false case that he was workman of the concern. He has not filed this documents on the date fixed for this purpose and these documents did not help the workman. The case of the respondent is that the employee was not in their employment on the date of alleged termination. The respondent witness MW-1, Shri Ram Bir Singh, has clearly stated that in the year 1980-81, the claimant did not worked with them and he has fully proved Ex. M-1 which bears the signatures of the workman which is apprenticeship agreement. The signature on Ex. M-1 are accepted by the workman. So the workman was not their employees and he worked on apprenticeship for a small period. So there is no relationship between the parties.

The representative of the workman argued on this issue that as stated by the workman in his statement as WW-1 he joined the service of the respondent on 14th August, 1978 as helper and was drawing a salary of Rs. 285 per month. The respondent gave him the identity card which is Ex. W-1 which bears the signature of the personal officer of the respondent. The representative of the workman argued that the respondent witness MW-1 had admitted this fact that the identity card issued to the workman Ex. W-1 bears the signatures of the personal officer and was filled up by the Time Office, which is a proof that the workman entered in the service in the year 1978 and the plea of the respondent cannot be believed that he was on apprentice in the year 1978 as the document W-2 bears the signature of the respondent concerned with date 11th September, 1978 because the workman has produced the duplicate slip of the leave application dated 24th March, 1980 which is also, admitted by the witness of the respondent MW-1 that it is chit of the respondent bears the date 24th March, 1980 which shows that the workman worked from the years 1978 to 1980 and he cannot be put in the category of apprenticeship. He further argued that the workman

has further stated in his statement that he sent an application to extend his leave to the respondent and the acknowledgement is WW-3 bears the signatures of the respondent and the stamp of the postal authority dated 16th April, 1980 which also confirms that the claimant was the employee of the respondent on that date. He further stated that he was stopped on the gate on 8th June, 1981 and he made complaint to the Labour Inspector on 7th July, 1981 which was received in the office of Labour Inspector which is Ex. W-4 against the respondent company on which the inspector called the respondent but they did not turn up and the claimant gave the demand notice Ex. W-5 to the respondent through registered letter. The acknowledgement receipt of the same is Ex. W-6 which also bears the signature of the respondent dated 14th July, 1981 on that demand notice. The Conciliation Officer stated the conciliation proceedings and sent his report under Section 12 (4) which is Ex. W-7. In the conciliation meeting the respondent did not appear in spite of so many notices from the Conciliation Officer which is given in report Ex. W-7. These all documents show that the claimant was the workman of the respondent and there was a relationship of employer and employee between the two at the time of termination.

After hearing the arguments of both the parties, and going through the file, I am of the view that the workman has proved his case full well. The documents identity card W-1 and the leave slip Ex. W-2 are admitted by respondent witness which shows that the workman was not an apprentice in the company and he worked from 1978 to June 1981 and he was a permanent employee. These documents prove the existence of relationship between the parties. So the issue is decided in favour of the workman and against the respondent.

Issue No. II :—

The plea of the respondent in the written statement was only that the claimant was not their employee at the time of demand notice and there was no relationship between the two as employer and employee and there is no other objection and allegation on the workman. So after deciding issue No. 1, I presumed that the respondent has no material to put on the file to give any oral evidence in this regard when they denied the relationship between the two then they have to say nothing on the merit. When the relationship has been proved in favour of the workman so the workman is entitled for his reinstatement continuity of service and full back wages because the respondent have terminated the services illegally and without any reason after a long service of the respondent.

This be read in answer to this reference.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated the 23rd February, 1983.

Endorsement No. 379, dated the 28th February, 1983.

Forwarded (five copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)-82-6Lab/1932.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Elofic Industries (India) 11/7, Mathurra Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 167 of 1982

between

SHRI TRIVANIPARSHAD TIWARI, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S. ELOFIC INDUSTRIES (INDIA), 11/7 MATHURA ROAD, FARIDABAD

Present :—

Shri M. K. Bhandari, for the workman.

Shri K. A. Agarwal, for the management.

AWARD

This reference No. 167 of 1982 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/74/82/27735, dated 18th June, 1982, for adjudication of the Dispute existing between Shri Trivani Parshad Tiwari workman and the respondent management of M/s Elofic Industries (India) 11/7 Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Trivani Parshad Tiwari and was justified and in order ?
If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 29th July, 1982. The evidence of the parties were recorded as MW-1 and WW1 and closed their case, respectively. Arguments also heard and the case was pending for sending the award to the Government. Then the management had sent the copy of settlement and I again sent the notices to the parties about the confirmation of the settlement. The parties appeared. The representative of the management made a statement in this court that the workman had settled his case with the management mutually and also received a sum of Rs. 860 in full and final settlement of his claims or Dispute including the right of re-instatement or re-employment. He further stated that there is no dispute between the parties. He also filed the copy of settlement which is Ex. M-1. This statement was duly admitted by the representative of the workman.

In the light of above statement of the parties. I hold that there is no dispute between the parties as the case settled. I give my award accordingly. No orders as to costs.

Dated the 25th February, 1983.

HARI SINGH KAUSHIK,

Presiding Officer,

Labour Court, Haryana, Faridabad.

Endorsement No. 384, dated 28th February, 1983.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,

Labour Court, Haryana, Faridabad.

No. 9(1)82-6Lab/1933.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 of Act No. XIV of 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s C. K. Metal Industries Works Jesico Colony Jagadhri.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 121, 122, 123 of 1982

between

SARVSHRI MOHAMD AYUB, SHIV NATH AND RAJ KUMAR WORKMEN AND THE
RESPONDENT-MANAGEMENT OF M/S. C. K. METAL INDUSTRIES/WORKS, JESICO
COLONY, JAGADAHRI.

Shri Surinder Kumar, for the workmen.

None for the management.

AWARD

These references No. 121/122 and 123 of 1982 have been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his orders No. ID/YMN/66/82/23749 dated 25th May, 1982, 24061, dated 28th May, 1982 24749, dated 1st June, 1982, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the

dispute existing between Sarvshri Mohamd Ayub, Shiv Nath, and Raj Kumar, workmen and the respondent management of M/s C. K. Metal Industries/Works, Jesico Colony, Jagadhri. The terms of the reference were,—

Whether the termination of services of Sarvshri Mohamd Ayub, Shiv Nath and Raj Kumar, were justified and in order? If not, to what relief they are entitled?

After receiving these three references, notices were sent to the parties. The representative of the workmen was appeared in this court. But the registered A. D. notice sent to the management returned back with the postal authorities as well as Peon's of the Labour Officer, Yamunanagar remarks that the factory had been closed and the owner of this factory had left after selling it. On 14th February, 1983 the representative of the workmen made a statement in this court that there is no other address of the respondent management, when he would know the address of the respondent than he would have the right to file the fresh demand notices of these three workmen. He further stated that he does not want to pursue these references and withdraw the same. These cases were consolidated on the request of the representative of the workman as the same facts of law.

In the light of the above statement of the representative of the workmen, I hold that the references are bad in-law and withdrawn by the representative of the workmen. I give my award accordingly. No orders as to costs.

HARI SINGH KAUSHIK,

Dated the 25th February, 1983.

Presiding Officer,
Labour Court, Haryana, Faridabad.

Endtt. No. 385, dated the 28th February, 1983

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1) 82-6Lab/2000.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s J.D. Fashion Tailors, Main Bazar, Chandra Colony Nai Basti Mujaasar, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 363/1982

between

SHRI PREMSINGH WORKMEN AND THE MANAGEMENT OF M/S J.D. FASHION
TAILORS, MAIN BAZAR, CHANDRA COLON NAI BASTI MUJASAR, FARIDABAD.

AWARD

The Governor of Haryana referred the following dispute between the workman Shri Prem Singh and the management of M/s J.D. Fashion Tailors Main Bazar, Chandra Colony, Nai Basti Mujaasar Faridabad, by order No. ID/FD/216/82/45018, dated 30th September, 1982, to this Tribunal, for adjudication in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of service of Shri Prem Singh was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties. The workman appeared but the management did not appear despite service. Therefore the case was proceeded ex parte against the management. In evidence, the workman examined himself and deposed that he joined the respondent management in the year 1980 as a tailor at Rs.500/- per month. His service was terminated on 26th June, 1982.

Believing the exparte statement of the workman, I find that order of dismissal was wrongful. Therefore, I give my award that the workman is entitled to his re-instatement with full back wages.

Dated the 14th February, 1983.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 212, dated 28th February, 1983.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under Section-15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6Lab/2001.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 of Act No. XIV of 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Universal Chemical Manufacturing Co. M-1 Estate, Bahadurgarh.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 26 of 1983

between

THE WORKMAN AND THE MANAGEMENT OF M/S UNIVERSAL CHEMICAL,
MANUFACTURING CO. M-1 ESTATE BAHADURGARH

AWARD

The Governor of Haryana referred the following dispute between the workmen and the management of M/s Universal Chemical Manufacturing Co. M, 1, Estate, Bahadurgarh, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether every workman should be supplied gur @ 200 grams per day and 1 Kg, soap per month? If so, with what details?

(2) Whether the attendance cards should be issued to all the workmen? If so, with what details?

Notices of the reference were sent to the parties. The management appeared but the workman did not appear despite service, Shri Harish Dudeja, representative for the management made a statement that the management would supply 200 grams gur and issue attendance card to the workmen.

In view the above, I pass my award that the workmen are entitled to gur @ 200 grams-per day and attendance cards.

Dated, the 14th February, 1983.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad,

Endst. No. 211, dated the 28th February, 1983.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section, 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.